

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ORDER

Came on for consideration the reports of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On November 13, 2020, the Magistrate Judge entered proposed findings of fact and recommendations (Docket No. 122) that Defendant and Counter-Plaintiff Professional Products Group, LLC’s (“PPG”) Motion to Transfer Venue to the U.S. District Court for the Southern District of Florida and Incorporated Memorandum of Law (Docket No. 46) be denied.

Additionally, on November 16, 2020, the Magistrate Judge entered proposed findings of fact and recommendations (Docket No. 123) that PPG’s Motion to Dismiss TIGI Linea Corp.’s (“TIGI”) First Amended Complaint (Docket No. 99) be denied.

Finally, on November 16, 2020, the Magistrate Judge entered proposed findings of fact and recommendations (Docket No. 124) that TIGI’s Rule 12(b)(6) Motion to Dismiss Counts II, III, and VII of PPG’s Amended and Supplemental Counterclaims and Complaint and Supporting Memorandum of Law (Docket No. 100) be denied. Because no objections to the Magistrate Judge’s Report have been filed, neither party is entitled to *de novo* review by the District Judge of

those findings, conclusions and recommendations, and except upon grounds of plain error, they are barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C § 636(b)(1)(C); *Douglass v. United Services Automobile Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the motion and the Magistrate Judge's report and agrees with the report. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) ("[T]he statute permits the district court to give to the magistrate's proposed findings of fact and recommendations 'such weight as [their] merit commands and the sound discretion of the judge warrants.' ") (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). Accordingly, the Court **ADOPTS** the Magistrate Judge's report and recommendation as the opinion of this Court. It is therefore

ORDERED that PPG's Motion to Transfer Venue to the U.S. District Court for the Southern District of Florida and Incorporated Memorandum of Law (Docket No. 46) is **DENIED**. It is further

ORDERED that PPG's Motion to Dismiss TIGI's First Amended Complaint (Docket No. 99) is **DENIED**. It is further

ORDERED that TIGI's Rule 12(b)(6) Motion to Dismiss Counts II, III, and VII of PPG's Amended and Supplemental Counterclaims and Complaint and Supporting Memorandum of Law (Docket No. 100) is **DENIED**.

So ORDERED and SIGNED this 11th day of December, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE